

Application No. 10/707,302
Docket No. 133663
Amendment dated January 9, 2006
Reply to Office Action of September 9, 2005

REMARKS

In the Office Action, the Examiner reviewed claims 1-10 of the above-identified US Patent Application, with the result that claims 3-6 were rejected under 35 USC §112, second paragraph, and claims 1, 2, and 7-10 were allowed. In response, Applicants have amended the specification and claims as set forth above. More particularly:

The specification has been amended to update the status of its parent application, which issued after the filing of this application.

Dependent claim 3 has been amended to use the term "three-dimensional contour" in reference to the transition zone 20 within the "rotor forging specimen" 70 to more clearly distinguish the "three-dimensional contour" of the "rotor forging specimen" 70 from the "three-dimensional approximation" of the transition zone 20 within the "rotor forging" 10 (the "three-dimensional approximation" is predicted from the "three-dimensional contour"). Support for this amendment can be found in the second sentence of paragraph [0042].

New dependent claim 11 has been presented to additionally recite machining of the rotor forging to produce a machined rotor, as described in paragraphs [0036] and [0055].

New independent claim 12 and new dependent claims 13-17 have

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been presented that are directed to the embodiment of the invention described in paragraphs [0037]-[0042] of the specification and depicted in Figures 2 and 4-7. New independent claim 12 is identical to original claim 1 except for incorporating the limitations of original dependent claim 3 and new dependent claim 11. New dependent claims 13-17 correspond to original claims 4-6, 10 and 2, respectively.

New independent claim 18 and new dependent claims 19 and 20 have been presented that are directed to the embodiment of the invention described in paragraphs [0043]-[0056] of the specification and depicted in Figures 3 and 8-12. New independent claim 18 is identical to original claim 1 except for incorporating the limitations of original dependent claim 9 and new dependent claim 11. New dependent claims 19 and 20 correspond to original claims 10 and 2, respectively.

Applicants believe that the above amendments do not present new matter. Favorable reconsideration and allowance of claims 1-20 are respectfully requested in view of the above amendments and the following remarks.

Rejection under 35 USC §112, Second Paragraph

Dependent claims 3-6 were rejected under 35 USC §112, second

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paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Applicants respectfully request favorable reconsideration in view of the following comments.

MPEP §2173.02 requires that:

Definiteness of claim language must be analyzed, not in a vacuum, but in light of (1) the content of the particular application disclosure, (2) the teachings of the prior art, and (3) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

In claim 3 (from which claims 4-6 depend), the Examiner considered the reference to the "forging specimen" as "confusing and indistinct from the limitations of claim 1," and that the last step recited in claim 3 is unclear.

In response, Applicants wish to note that claim 3 and its dependent claims 4-6 are directed to the embodiment of the invention described at paragraphs [0037]-[0042] and represented in Figures 2 and 4-7. In this embodiment, in addition to the "rotor forging" 10 (Figure 1) that will be machined to yield a machined rotor, a "similarly-processed rotor forging specimen" 70 is described as being sectioned to identify the boundaries separating the transition zone 20 of the rotor forging specimen 70 from the adjacent regions 22 and 24 of the specimen 70. See paragraph [0037] and

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Figures 2, 5, and 6. From these boundaries, a "three-dimensional contour" of the transition zone 20 within the rotor forging specimen 70 is generated, after which this three-dimensional contour can be used to predict a "three-dimensional approximation" of the transition zone 20 within the rotor forging 10. See the second to last sentence of paragraph [0042]. The rotor forging 10 is then machined to yield a machined rotor. See the last sentence of paragraph [0042].

In view of the above, claim 3 uses the term "rotor forging specimen" consistent with Applicants' specification, and therefore identifies a rotor forging *specimen* used to predict a three-dimensional approximation of the transition zone 20 of the "rotor forging" 10 originally recited in claim 1, which can then be machined to produce a machined rotor. Applicants therefore respectfully believe that their specification and Figures provide ample support to clarify the invention recited in claim 3 for one having ordinary skill in the art, including the distinctions between the "rotor forging specimen" and the "rotor forging," and between the "three-dimensional contour" of the "rotor forging specimen" and the "three-dimensional approximation" of the "rotor forging."

For all of the above reasons, Applicants respectfully request withdrawal of the rejection under 35 USC §112, second paragraph.


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Closing

In view of the above, Applicants believe that all issues outstanding from the Office Action have been addressed, and that the claims define patentable novelty over all the references, alone or in combination, of record. It is therefore respectfully requested that this patent application be given favorable reconsideration.

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,

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January 9, 2006
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Attachment: Petition for Extension of Time